

REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1-12 are currently active in this case and have been rejected.

In the outstanding Office Action Claims 1-5, and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by *Mauney* (U.S. Pat. No. 6,484,027); Claims 6-8 were rejected under 35 USC §103(a) as being unpatentable over Mauney in view of Graham (EP 817 447 A); Claims 9 and 10 were rejected under 35 USC 103(a) as being unpatentable over Mauney in view of *Orimo* (JP 407303134A). Claim 11 was also rejected under 35 U.S.C. §101, non-statutory subject matter, and 35 USC §112, antecedent basis.

Applicants respectfully traverse the rejection of Claim 1 as being anticipated by *Mauney*. As amended, Claim 1 recites:

1. (Amended) An electronic device, comprising:
 - a radio unit configured to communicate with a network;
 - at least one memory device configured to store application and system programs; and
 - a processing unit coupled to said radio unit and said at least one memory device, said processing unit configured to run the application and system programs;wherein at least one of the application and system programs include a software enabled switch for enabling and disabling the radio unit while leaving the processing unit in an operational state.

However, *Mauney* fails to teach or suggest similar subject matter.

Applicants respectfully admit that *Mauney*, at col. 13, line 34 – col. 14, line 5 describes a soft key for turning a wireless handset 42 OFF. However, although the wireless handset 42 might be turned OFF by a softswitch, Applicants

respectfully note that *Mauney's* softswitch would not be available for enabling the radio unit because when the device is powered off, the softswitch is also off.

Applicant's Claim 1 specifically recites a software enabled switch for enabling and disabling the radio unit. Thus, Applicants software enabled switch is capable of both turning on and turning off the radio unit. In contrast, despite *Mauney's* labeling of the soft switch as an on/off switch, *Mauney's* soft switch is not capable of turning the radio unit on because *Mauney's* software is not operative if the wireless handset is off.

Further, Claim 1 specifically recites that the software enabled switch enables and disables the radio unit " ... *while leaving the processing unit in an operational state.*" However, *Mauney's* switch powers down the entire handheld.

Therefore, Applicants respectfully submit that Claim 1 is neither taught nor suggested *Mauney*. Accordingly Applicants respectfully submit that Claim 1 is patentable over *Mauney*.

Applicants also respectfully traverse the rejection of Claim 2 under 35 USC 102(e) as being anticipated by *Mauney*. Claim 2 recites:

2. (Amended) An ~~The~~ electronic device ~~according to Claim 1,~~ comprising:

a radio unit configured to communicate with a network;

at least one memory device configured to store application and system programs; and

a processing unit coupled to said radio unit and said at least one memory device, said processing unit configured to run the application and system programs;

wherein:

at least one of the application and system programs include a software enabled switch for enabling and disabling the radio unit;

at least one of said application and system programs is a program that utilizes the radio; and

at least one of said application and system programs comprises a notification program configured to notify a user if the radio is disabled upon invoking a program that utilizes ~~that~~ the radio.

However, *Mauney* fails to teach or suggest similar subject matter.

Applicants respectfully note that *Mauney*, at Col. 13, line 57 – Col. 14, line 5 includes a discussion related to status lights that reflect a current operating mode of the wireless handset 42 (col. 13, lines 57-61). *Mauney's* operating modes include operating a direct handset-to-handset mode, in one or more of preferred bands, or on a wireless network. However, the operating modes described in *Mauney* do not suggest a mode where the radio device is disabled.

Applicants admit that *Mauney* discusses numerous notifications, including, notifications of the availability of other handsets, calls rejected, clear channel, call fail, etc. However, none of *Mauney's* notifications are related to notifying a user that the device's radio unit is disabled. Further, *Mauney's* notifications occur while a program is using the radio device (e.g., notifying that handset B is out of range, or that a call was rejected). However, Claim 2 specifically recites that the notification of a disabled radio unit occurs " ... *upon invocation of a program that utilizes the radio unit.*"

However, *Mauney* does not suggest notifications upon invocation of a program that utilizes the radio unit. Therefore, *Mauney* fails to teach or suggest "*notifying a user if the radio is disabled upon invoking a program that utilizes the radio.*" Accordingly, Applicants respectfully submit that Claim 2 is also patentable over *Mauney*.

Claim 11 has been amended to be broader, and, it is believed that the broader claim has rendered the rejection of Claim 11 under 35 U.S.C. 112 moot.

Applicants respectfully traverse the rejection of Claim 12 under 35 USC 102(e) as being anticipated by *Mauney*. Claim 12 recites:

12. (Original) A method of notifying a user of an RF enablement status of a device having RF capabilities, comprising the steps of:

identifying the invocation of a mechanism requiring access to the RF capabilities;
determining the RF enablement status of the RF device;
if the RF device is not enabled:
prompting a user of the device if the mechanism is to be granted RF access, and
retrieving a user input regarding whether RF access should be granted to the mechanism requiring RF access;
if the user input indicates the mechanism is to be granted RF access:
automatically enabling the RF device, and
allowing the mechanism requiring RF access to continue and access the RF device; and
if the user input indicates the mechanism should not be granted RF access, then, shutting down the mechanism requiring RF access without enabling the RF device.

However, *Mauney* fails to teach or suggest similar subject matter.

Applicants respectfully traverse the assertion in the outstanding Office Action that *Mauney* discloses " ... *determining the RF enablement of the RF device; See col. 13, lines 57-61.*" As noted above, *Mauney* does discuss status, but that status is only related to status of the handheld after enablement, such as, for example, if the handheld is Idle or on call, status of another handset, etc. However, Claim 12 relates to whether or not the RF device has been enable, not whether or not the RF device is currently communicating or its ability to communicate once enabled.

Applicants also respectfully traverse the assertion in the outstanding Office Action that indicates that *Mauney* teaches " ... *prompting a user of the device if the mechanism is to be granted RF access; See col. 13, lines 61 – col. 14, line 5.*" Applicants admit that *Mauney* discusses prompting a user for various options, including prompting the user to determine if a call should be made through the network or through handset-to-handset communication. However, regardless of whether *Mauney's* call is made through a network or through handset-to-handset communications, *Mauney* is using or attempting to use its RF device. In contrast,

Applicants' claimed prompts are related to whether or not the RF device will even be enabled.

Further, *Mauney's* prompts, dedicated keys, and soft keys are not related to granting the program access to the RF device, but instead is related to how the RF device will be utilized. However, Claim 12 specifically recites user input in conjunction with the prompt that grants access to the RF device.

Provided as a non-limiting example, Applicants' prompting feature is particularly important when a user may be using the electronic device with the RF device off. In the event the user activates a program that typically uses the RF device, the user is prompted, requiring the user to think twice before using the program. In the case where the user is in a hospital or on an airplane where RF devices are restricted or unauthorized, such a prompt can be invaluable in preventing unintended RF transmissions. However, none of *Mauney's* prompts addresses the same situation.

Finally, Applicants respectfully note the Claim limitations which state " ... *if the user input indicates the mechanism should not be granted RF access, then, shutting down the mechanism requiring RF access without enabling the RF device.*" However, *Mauney* does not contemplate "*shutting down the mechanism requiring RF access without enabling the RF device.*"

Therefore, Applicants respectfully submit that Claim 12 is also patentable over *Mauney* because *Mauney* fails to teach or suggest subject matter specifically claimed in Claim 12.

Applicants respectfully traverse the rejection of Claim 11 as being directed to non-statutory subject matter. However, Applicants have substituted each program claim element with a broader mechanism claim element. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Applicants respectfully submit new Claim 13 which recites:

13. (New) An electronic device, comprising:
a radio unit;

at least one of an application and system program configured to access the radio unit;

a processing unit coupled to said radio unit and said at least one memory device, said processing unit configured to run the at least one application and system program;

a software enabled switch for enabling and disabling the radio unit while leaving the processing unit in an operational state; and

said at least one application and system program includes a prompting mechanism configured to display a prompt to a user to determine if the radio unit is to be enabled before enabling the radio unit.

And, *Mauney* fails to teach or suggest similar subject matter.

In particular, Claim 13 includes limitations related to a software enabled switch for *"enabling and disabling the radio unit while leaving the processing unit in an operational state,"* and a notification mechanism that displays *"a prompt to a user to determine if the radio unit is to be enabled before enabling the radio unit."* However, Applicants respectfully submit that *Mauney* fails to teach or suggest the same. Accordingly, Applicants respectfully submit that new Claim 13 is also patentable.

New Claims 15, and 17-20 also include the use of an icon comprising an airplane for status notification. As noted in Applicants specification, an airplane icon provides a quick reference to the enablement status of a radio and/or RF unit. However, none of the cited references teach or suggest the same.

Based on the patentability of independent Claims 1, 11, 12, and 13, and the above discussions, Applicants further respectfully submit that dependent Claims 2-10, and 14-20 are also patentable.

Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

Dated: December 17, 2004

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DOCSSFO-12386530.1-JCARPENTER